

MATTER OF RODRIGUEZ
In Deportation Proceedings
A-18090257

Decided by Board August 3, 1971

Respondent, a native and citizen of the Dominican Republic, was admitted for permanent residence on August 10, 1968, upon presentation of an immigrant visa issued July 31, 1968, with a waiver of a labor certification as the unmarried child of a lawful permanent resident alien. In connection with the visa application, he signed State Department Form FS-548 indicating awareness that he would be subject to exclusion if he married prior to entry. He was married on August 8, 1968, and, therefore, is deportable as an alien excludable at entry under section 212(a) (14) of the Immigration and Nationality Act, as amended, for lack of a valid labor certification, since he was not an unmarried child as defined by section 101(b) (1) of the Act at the time of entry.

CHARGE:

Order: Act of 1952—Section 241(a) (1) [8 U.S.C. 1251(a) (1)]—Excludable by law existing at time of entry (section 212(a) (14); 8 U.S.C. 1182)—immigrant, no valid labor certification.

ON BEHALF OF RESPONDENT:
Antonio C. Martinez, Esquire
77 Seventh Avenue
New York, New York 10011
(Brief filed)

ON BEHALF OF SERVICE:
Martin J. Travers
Trial Attorney
(Brief filed)

The special inquiry officer, in a decision dated April 6, 1971, denied the respondent's application for termination of the proceedings; granted him the privilege of voluntary departure; and provided for his deportation from the United States to the Dominican Republic, on the charge contained in the order to show cause, in the event of his failure so to depart. The appeal from that decision, which brings the case before this Board for consideration, will be dismissed.

The record relates to a 21-year-old male alien, a native and citizen of the Dominican Republic, who last entered the United States on August 10, 1968. He was then admitted for permanent resi-